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SA2005101838

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

DANIEL CORDERO,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

No. 1: 05-CV-00268 REC DLB

**STIPULATION AND ORDER  
VACATING ORDER REQUIRING  
DEFENDANTS TO RESPOND TO  
COMPLAINT**

It is stipulated by the parties that Defendants need not file a response to the Complaint during the settlement negotiations now underway. Accordingly, the parties request that the Court vacate its order requiring Defendants to file their response to the Complaint.

At the status conference on January 23, 2006, at Plaintiff's request, the Court ordered that Defendants file a response to the Complaint by March 24, 2006. At the same time, the Court scheduled a settlement conference for April 20, 2006. Before that settlement

1 conference, Plaintiff had communicated a settlement proposal to Defendants. Since the status  
2 conference, Defendants conveyed their initial settlement proposal to Plaintiff.

3 Although the parties have not reached a settlement agreement, they are convinced  
4 that each party is negotiating in good faith, and that the prospects of a settlement are good. If  
5 Defendants were to file a response to the Complaint, it would likely be in the form of a motion to  
6 dismiss some of the named Defendants and alleged claims. Such a motion would probably be  
7 opposed by Plaintiff. The prospective settlement would obviate the need for adjudication of this  
8 motion and the attendant expenditure of the Court's and the parties' time. For this reason, the  
9 parties request that the Court order that its previous order requiring Defendants' response to the  
10 Complaint be vacated. If and when it becomes clear that a settlement cannot be reached,  
11 Defendants will file a response.

12 IT IS SO STIPULATED.

13 Dated: March 14, 2006

/s/ James Muller  
JAMES S. MULLER  
Attorney for Plaintiff

15 Dated: March 14, 2006

/s/ David Carrasco  
DAVID A. CARRASCO  
Attorney for Defendants

18 **ORDER**

19 The Court, having considered the parties' stipulation for an order vacating the  
20 order requiring Defendants to respond to the Complaint by March 24, 2006, and good cause  
21 showing therefore, orders as follows: Defendants need not file a response to the Complaint until  
22 April 20, 2006, when the parties are scheduled to meet for a settlement conference. After the  
23 settlement conference, the Court will inquire with the parties and determine whether to set  
24 another deadline for Defendants' response to the Complaint.

25 IT IS SO ORDERED.

26 Dated: March 27, 2006  
3b142a

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE